

**CITY OF RINGGOLD
STATE OF GEORGIA**

ORDINANCE NO. 2026 - 0413

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF RINGGOLD, GEORGIA BY AMENDING CHAPTER 22 CAPTIONED “BUSINESSES” BY STRIKING, DELETING AND REPEALING ARTICLE II CAPTIONED “VENDING MACHINES, AMUSEMENT DEVICES, ETC.” IN ITS ENTIRETY AND SUBSTITUTING IN LIEU THEREOF A NEW ARTICLE II; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Ringgold, Georgia is authorized by O.C.G.A. § 48-17-17 to adopt ordinances regarding bona fide coin operated amusement machines; and

WHEREAS, this ordinance is adopted to address the interests of public health, welfare, and safety of the citizens of the City of Ringgold.

NOW THEREFORE, the Mayor and City Council find that in the interests of the public safety the immediate enactment of this ordinance by reasonable means, as allowed under state law, and not unduly oppressive is necessary to protect the health, safety, morals, and general welfare of the citizens of the city.

Section 1.

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 22 captioned “Businesses” by striking, deleting and repealing Article II captioned “Vending Machines, Amusement Devices, etc.” in its entirety and substituting in lieu thereof a new Article II which shall read as follows:

ARTICLE II. – BONA FIDE COIN OPERATED AMUSEMENT MACHINES.

Sec. 22-31. Gambling Devices Prohibited.

Gambling Devices, as that term is defined in O.C.G.A. § 16-12-20(2) are prohibited in the City, and the ownership, use, or transport thereof shall be a misdemeanor pursuant to state law, except as exempted pursuant to O.C.G.A. § 16-12-35(a) through (k).

Sec. 22-32. Gambling Places Prohibited.

Gambling Places, as that term is defined in O.C.G.A. § 16-12-20(3) are prohibited in the City, and the operation thereof shall be a misdemeanor pursuant to state law.

Sec. 22-33. Definitions.

The following words, terms, or phrases, when used in this Ordinance, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning:

(a) Amusement Game Room means any location as provided in O.C.G.A. § 16-12-35(b), (c) or (d) where one or more Bona Fide Coin Operated Amusement Machines are operated.

(b) Bona Fide Coin Operated Amusement Machine means the same as this term is defined in O.C.G.A. § 50-27-70(b)(2)(A) and (B) and any applicable regulations of the State of Georgia. Examples of Bona Fide Coin Operated Amusement Machines include, but are expressly not limited to, the following:

- 1) Pinball machines;
- 2) Console machines;
- 3) Video games;
- 4) Crane machines;
- 5) Claw machines;
- 6) Pusher machines;
- 7) Bowling machines;
- 8) Novelty arcade games;
- 9) Foosball or table soccer machines;
- 10) Miniature racetrack, football or golf machines;
- 11) Target or shooting gallery machines;
- 12) Basketball machines;
- 13) Shuffleboard machines;
- 14) Kiddie ride games;
- 15) Skee-Ball[®] machines;
- 16) Air hockey machines;
- 17) Roll down machines;
- 18) Trivia machines;
- 19) Laser games;
- 20) Simulator games;
- 21) Virtual reality machines;
- 22) Maze games;
- 23) Racing games;
- 24) Coin operated pool table or coin operated billiard table as defined in paragraph (3) of O.C.G.A. § 43-8-1; and
- 25) Any other similar amusement machine which can be legally operated in Georgia.

The term “coin operated amusement machine” does not include the following:

- 1) Coin operated washing machines or dryers;
- 2) Vending machines which for payment of money dispense products or services;
- 3) Gas and electric meters;
- 4) Pay telephones;
- 5) Pay toilets;
- 6) Cigarette vending machines;
- 7) Coin operated vending machines;
- 8) Coin operated scales;
- 9) Coin operated gumball machines;
- 10) Coin operated television sets which provide cable or network programming;
- 11) Coin operated massage beds; and
- 12) Machines which are not legally permitted to be operated in Georgia.

(c) **Location** means a business within the City that has complied with the provisions of the ordinances of the City relating to occupation taxes and business licenses and the entire office or area of the business in any one location owned or leased by the same proprietor or proprietors where the Lessor or Lessors allow the space to be used for business purposes.

(d) **Location owner or location operator** means an owner or operator of a business where one or more bona fide coin operated amusement machines are available for commercial use and play by the public, or shall have the same definition as found in the Official Code of Georgia, Annotated, Section 50-27-70, should that definition differ.

Sec. 22-34. Minimum Distance Requirements.

(a) Every Amusement Game Room in the City shall comply with the proximity provision for business licensed to sell alcohol set out in O.C.G.A. § 3-3-21. At a public meeting, the Mayor and Council may waive the application of this provision to an individual location if no alcohol is served or sold at such Location.

(b) Every Amusement Game Room in the City shall comply with the proximity provision for businesses licensed to sell alcohol as set out in O.C.G.A. § 3-3-21. At a public meeting, the Mayor and Council may waive the applicability of this provision to an individual Location if no alcohol is served at such Location.

Sec. 22-35. Number of Bona Fide Coin Operated Amusement Machines at a Location.

No Amusement Game Room in the City shall offer to the public more than six (6) Class B Bona Fide Coin Operated Amusement Machines offering non-cash redemption in accordance with O.C.G.A. § 16-12-35(c) and (d)(1)(2), or both at the same Location. At a public meeting, the Mayor and Council may, after consideration of the nature and character of the business, waive the applicability of this provision to an individual Location.

Sec. 22-36. Gross Receipts from Bona Fide Coin Operated Amusement Machines and from Business.

(a) Every Amusement Game Room shall keep records available for inspection by City officials that set out separately annual gross receipts for the Class B amusement games and the other products and services sold at the Location.

(b) Any location owner or location operator subject to Official Code of Georgia, Section 50-27-84(b)(1) is hereby required to provide a quarterly report to the city manager. Such report shall indicate the quarterly gross retail receipts for each business location located within the jurisdiction of the city and shall be due by the twentieth day of each month subsequent to the calendar quarter in which the sales have taken place. In addition, each owner or operator must allow the local government an annual audit of the reports from the owner or operator to the Lottery Corporation.

(c) No location owner or location operator may derive more than 50 percent of such location owner's or location operator's quarterly gross retail receipts for this business location in which the Class B machines are situated from such Class B machines and any location owner or location operator found in violation of such provision may be fined and may have any city issued license suspended or revoked as allowed under this article. Compliance with this section requires both the availability of records for inspection and compliance with the fifty (50%) percent of gross retail receipts requirement. Any violations of this provision shall be reported to the Georgia Lottery Corporation.

Sec. 22-37. Notice Requirements.

(a) Every Amusement Game Room shall post a conspicuous sign with the following or substantially similar language:

'GEORGIA LAW PROHIBITS GIVING OR RECEIPT OF ANY MONEY FOR WINNING A GAME OR GAMES ON AN AMUSEMENT MACHINE; GIVING OR RECEIPT OF MONEY FOR FREE REPLAYS WON ON AN AMUSEMENT MACHINE; GIVING OR RECEIPT OF MONEY FOR ANY MERCHANDISE, PRIZE, TOY, GIFT CERTIFICATE, OR NOVELTY WON ON ANY AMUSEMENT MACHINE; OR AWARDING ANY MERCHANDISE, PRIZE, TOY, GIFT

CERTIFICATE, OR NOVELTY OF A VALUE EXCEEDING \$5.00 FOR A SINGLE PLAY OF AN AMUSEMENT MACHINE.’

(b) Every Amusement Game Room shall post the license issued by the City conspicuously and permanently.

(c) The owner or proprietor of each Amusement Game Room shall inform every employee of the acts and omissions prohibited by O.C.G.A. § 16-12-35 and by this Ordinance, and of the penalties for violation of O.C.G.A. § 16-12-35 and this Ordinance.

Sec. 22-38. Compliance with O.C.G.A. Provisions Relating to Master Licenses, Location Licenses, and Stickers for Individual Machines.

Bona Fide Coin Operated Amusement Machines may be used in an Amusement Game Room within the City only if the machines are owned by a person who holds a valid master license in accordance with O.C.G.A. § 50-27-71, and each machine offered to the public for play has a valid permit sticker in accordance with O.C.G.A. § 50-27-78. In addition, the business owner where the machines are available for play by the public must pay a location license fee in order to obtain a valid location license in accordance with O.C.G.A. § 50-27-71 (a.1) and (b). The City official in charge of issuing business licenses shall notify the State Commissioner of Revenue of any observed violation of O.C.G.A. § 50-27-71 or § 50-27-78.

Sec. 22-39. License Suspension and Revocation.

- (a) The city may suspend or revoke the city issued license of any location owner or location operator to manufacture, distribute, or sell alcoholic beverages as a penalty for the conviction of the business owner or business operator of a violation of the Official Code of Georgia, Section 16-12-35, subsection (e), (f), or (g).
- (b) The city may suspend or revoke the license of any location owner or location operator of any other license granted by the municipality as a penalty for the conviction of the business owner or business operator of a violation of the Official Code of Georgia, Section 16-12-35, subsection (e), (f), or (g).
- (c) The suspension or revocation of licenses under this Code section shall be in accordance with the following guidelines of due process:
 - (1) No license which has been issued or which may be issued pursuant to this Article shall be suspended or revoked except for due cause and after hearing and upon prior three-day written notice to the holder of the license of the time, place and purpose of the hearing and a statement of the charges upon which the hearing shall be held.

(2) The term "due cause" for the purposes of this section shall include, but not be limited to:

(A) Conviction of, or the entering of a plea of guilty or nolo contendere by, the licensee or any of his employees or any person holding an interest in the license for any felony, any law, administrative regulation or ordinance involving alcoholic beverages, gambling or narcotics, or tax laws.

(B) Conviction of, or the entering of a plea of guilty or nolo contendere by, the licensee or any of his employees or any person holding an interest in the license for any sex offense when the licensed business is for on-premises consumption.

(C) Suspension or revocation of any state license required as a condition for the possession, sale or distribution of alcoholic beverages.

(D) Material falsification of any fact given in an application for a license issued under this chapter or bearing upon the licensee's qualification therefor. Any act which may be construed as a subterfuge in an effort to circumvent any of the qualifications for a license under this chapter shall be deemed a violation of the requirement attempted to be circumvented.

(E) Failure to meet or maintain any standard prescribed by this Article as a condition or qualification for holding a license.

(F) Any other factor known to or discovered by the city whereby it is objectively shown the licensee, any of the licensee's employees or any person holding an interest in a license, has engaged in conduct at or involving the licensed business or has permitted conduct on the licensed premises that constitutes a violation of federal or state law, local ordinance or administrative regulations involving alcoholic beverages, gambling or narcotics for all alcohol licensed businesses and including any sex offense under state law or local ordinances with respect to businesses licensed for on-premises consumption. With respect to this section, it shall be rebuttably presumed that the violative act was done with the knowledge or consent of the licensee; provided, however, that such presumption may be rebutted only by evidence which precludes every other reasonable hypothesis save that such licensee did not know, assist or aid in such occurrence, or in the exercise of full diligence that such licensee could not have discovered or prevented such activity.

(3) Notice of suspension or revocation proceedings shall be served on the person named as licensee in the application. Notice shall be in writing. The notice may be served personally or by first class mail. If by mail, the notice shall be addressed to the licensee at its address as provided by the licensee to the municipality. The burden shall be on the licensee to provide notice, in writing, of any change of address for service of notices and process. In the case of service by mail of any notice required by this chapter, the service is complete at the time of deposit in the United States Postal Service.

- (4) The hearing shall be conducted before the city manager or designee and the licensee may be heard and present evidence. The procedure for administrative hearings shall be set forth by the city manager. The city manager or designee shall reach a decision on the matter within ten (10) days following the close of the hearing and give written notice of said decision. The decision of the city manager or designee shall be final unless the licensee or files a notice of appeal to the city manager or designee within thirty (30) days of receiving notice of said decision.
- (5) The city council shall hear appeals to decisions by the city manager or designee to suspend or revoke such licenses.
- (6) Any decision of the city manager or designee to revoke or suspend such license shall be appealable to the city council by the filing a notice of appeal with the city manager or designee within thirty (30) days of receiving notice of such denial. Any such appeal shall be subject to de novo review and shall be in accordance with subsections (7) and (8). A hearing before the city council shall be scheduled within 60 days following the receipt by the city manager or designee of the licensee's notice of appeal.
- (7) Licensees shall be given written notice of the date, time, place, and purpose when the matter at issue will be heard. The licensee shall be afforded the opportunity to be heard and present evidence. Ten (10) days' notice shall be deemed reasonable.
- (8) Upon close of the public hearing, the city council shall reach a decision on the matter before it, and the decision of the city council shall be final unless the licensee applies to the county superior court by filing a petition for writ of certiorari within thirty (30) days of the decision rendered by the city council.

Sec. 22-40. Criminal Penalties for Violations by Owners or Operators of Amusement Game Rooms.

(a) Penalties for violation of the provisions of this Ordinance by the owner or operator of an Amusement Game Room, after conviction in the Municipal Court of the City, or other court of competent jurisdiction are as follows:

(1) First Offense: Fine not to exceed Five Hundred (\$500.00) Dollars for each violation.

(2) Second Offense: Fine not to exceed Seven Hundred Fifty (\$750.00) Dollars for each violation, suspension of the owner or operator's license for offering any amusement game at the Location for not more than three (3) months, or both.

(3) Third Offense: Fine not to exceed One Thousand (\$1,000.00) Dollars for each violation, suspension or permanent revocation of the owner or operator's license for offering any amusement game at the Location, or suspension of other permits and

licenses granted by the City for not more than six (6) months, or any combination of these penalties.

(b) The fines listed in the penalties for violation of this Ordinance may be imposed by the Judge of the Municipal Court of the City, or the judge of any other court of competent jurisdiction. Suspension or revocation of the owner or operator's license for offering any amusement game at the Location where the violation occurred, and suspension of other permits and licenses granted by the City may be imposed by the Mayor and Council after a public hearing pursuant to Sec. 22-39(c) of this article.

(c) Offering one or more Bona Fide Coin Operated Amusement Machine games in violation of an order suspending or revoking the license for the offering of any amusement game at the Location is punishable, after conviction in the Municipal Court of the City, by a fine not to exceed One Thousand (\$1,000.00) Dollars, imprisonment not to exceed thirty (30) days, or both such fine and imprisonment.

Sec. 22-41. Penalties for Violations by Those Who Play Bona Fide Coin Operated Machines in Violation of Law or Ordinance.

The Municipal Court of the City, or any other court of competent jurisdiction is authorized to impose the following penalties on any person convicted of receiving money as a reward for the successful play or winning of any Bona Fide Coin Operated Amusement Machine from any person owning, possessing, controlling or overseeing such Bona Fide Coin Operated Amusement Machine or any person employed by or acting on behalf of a person owning, possessing, controlling or overseeing a Bona Fide Coin Operated Amusement Machines:

(1) First Offense: Fine not to exceed Two Hundred Fifty (\$250.00) Dollars for each violation.

(2) Second and Subsequent Offense: Fine not to exceed Five Hundred (\$500.00) Dollars for each violation.

Sec. 22-42. Operating Regulations.

All businesses operating as an Amusement Game Room hereunder shall be subject to the following regulations:

(a) Devices to Be Kept in Plain View; Gambling Devices Prohibited. All bona fide coin operated amusement machines shall at all times be kept and placed in plain view of and open and accessible to any person(s) who may frequent or be in any place of business where such machines are kept or used. Nothing in this section shall be construed to authorize, permit or license any gambling device of any nature whatsoever.

(b) *Inspection.* The chief of police may inspect or cause the inspection of any location in which any such bona fide coin operated amusement machine(s) are operated or set up for operating, and may inspect, investigate and test such machines as needed.

(c) *Attendant Required.* It shall be unlawful for any location owner or location operator to open the location to the public unless an attendant is present. Said attendant shall be of sufficient mental and physical capacity so as to be able to provide aid to patrons if needed or desired. Said attendant shall not be less than 18 years of age.

(d) *Loitering.* As used in this section, “loitering” shall mean remaining idle in essentially one location and shall include the concepts of spending time idly, loafing or walking about aimlessly, and shall be unlawful for any person, firm or corporation licensed to operate an Amusement Game Room to permit loitering on or in the immediate vicinity of any machine or business premises regulated hereunder in such a manner as to:

- (1) Create or cause to be created a danger of a breach of the peace;
 - (2) Create or cause to be created any disturbance of the peace, as defined by law;;
 - (3) Obstruct the free passage of pedestrians or vehicles;
 - (4) Obstruct, molest or interfere with any person lawfully in a public place.
- (5) Shirt and shoes required. All location owners and location operators shall require shirts and shoes to be worn at all times by any person frequenting their location.

Sec. 22-43. Occupational Tax Certificate.

All businesses that have bona fide coin operated amusement machines on the premises shall display, in plain view, the occupational tax certificate issued by the City.

Sec. 22-44. Enforcing Officer.

The chief of police or his designee is hereby designated as the enforcement officer and shall execute all requirements of this article.

Section 2.

All ordinances and parts of ordinances in conflict with this ordinance are repealed.

Section 3.

It is hereby declared to be the intention of the Mayor and Council of the City of Ringgold that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

Section 4.

This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Ringgold.

SO ORDAINED, this 13th day of April, 2026



Earl Henderson, Vice-Mayor
City of Ringgold

ATTEST:



City Clerk